

NRDC

February 12, 2021

By ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *National Audubon Society, et al. v. U.S. Fish & Wildlife Service, et al.*, 21-CV-0448 (VEC), and *State of New York, et al. v. U.S. Department of the Interior, et al.*, 21-CV-0452 (VEC)

Dear Judge Caproni:

The parties in the above-captioned cases jointly submit this letter in response to the Court's order of February 3, 2021. The parties agree that the cases "involve ... common question[s] of law [and] fact," Fed. R. Civ. P. 42(a), and should be consolidated under Federal Rule of Civil Procedure 42(a)(2). The States, however, respectfully request that they be permitted—as they were in the related earlier consolidated cases—to submit briefs separate from the Audubon Plaintiffs. *See, e.g., NRDC v. U.S. Dep't of the Interior*, 18-CV-4596 (VEC), ECF No. 55 (granting States' request to file separate briefing). Defendants do not oppose the States' request.

We thank the Court for its consideration of and attention to these matters.

Respectfully submitted,

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